



COEUR D'ALENE TRIBE

INFORMATION TECHNOLOGY DEPARTMENT

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In the matter of:

Tribal Mobility Fund, Phase I ("Auction 902") – Eligible Areas

Reply Comments of the Coeur d'Alene Tribe of Indians

Tribal Sovereignty remains an American doctrine, with extensive, fundamental powers held by tribal governments. Tribes have the power to establish their own form of government, not necessarily patterned after the federal government. Tribal governments, because they are constitutionally sovereign, are not subject to the requirements of separation of powers or even the establishment of religion, although these principles are almost universal in tribal constitutions. The Indian Reorganization Act points out that tribal Sovereignty is inherent and therefore even farther reaching than the Act itself.

Tribal Sovereignty also includes the power to determine membership, police power, power to administer justice, power to charter businesses and regulate their activity, power to levy taxes, and sovereign immunity. This sovereign immunity means tribes cannot be sued without the expressed written consent of tribal governments. State governments are also protected by this immunity within the 11th Amendment to the Constitution of the United States. The origins of this Sovereignty are historical, cultural, and legal. Through treaties and executive orders, tribes have a legal underpinning in the ongoing and difficult effort to keep their cultures, traditions, languages, customs and jurisdictions alive.

In assessing the data provided on FCC maps regarding Auction 902, it's a compliment of a good effort, but as it pertains to the actual implementation of programs such as the Mobility Fund, falls short. The data does not consider true coverage over all populated areas, nor does it provide consideration for lands where communications are necessary for both public safety and economic development.

Many Tribes are resource-based in their traditional economies, meaning that by virtue of the location of common Tribal resources such as timber, minerals and fish (as is in the northwest) means that a significant population LEAVES the populated places in their daily work, much the reverse of many other areas across the United States where populations head toward town in their daily lives. Furthermore Native People are people of nature and the land, our recreation and culture is also found in those same remote areas, where cellular signal is often neglected.

Our Tribe was lucky enough to receive a substantial award of \$12.8 Million from USDA RUS BIP program to bring Fiber-to-the-Home to nearly 3000 households and buildings on our reservation. Unfortunately, due to terrain and other factors, another 3,000 were not able to be included in this program, and are either unconnected or marginally connected through spotty cellular service and our own efforts at the turn of the Century with early Wi-Fi equipment, providing speeds under 1Mbps. Not only are both of

these options slow, they are also costly and not of the quality or consistency required in everyday 21st Century life.

The Tribal Mobility Fund has the potential to solve these problems for many Tribes, but only if the data supports it. For every percent the map is wrong, it strips away vital potential funding not only for Phase I of the fund, but then will have a negative long-term effect for the following decade through Phase II of the program.

Getting it correct, right now, is of paramount importance. Whether the bidding provider is Tribally owned or not, inaccuracy of the map has a direct, negative and long-term impact on Tribal well-being on all counts both socially and economically.

Our Tribe has taken on the process in assessing service coverage and quality on the reservation, but with limited staff and having had to form our own methodologies, we are not complete or prepared to provide specific feedback and data to the FCC yet.

We began this letter with our comments on Tribal Sovereignty and Government-to-Government relationships for a reason. We feel it is the obligation of the FCC under the established Trust relationship between Tribal Governments and the United States of America to ensure accurate foundation for this program, especially since it direct and obvious ramifications for at least 11 years. But the true consideration is the cascading effect it will have on the social and economic well-being of Native people and Tribal lands for years to come. With so much that we face, our people cannot afford another failed policy, especially under the guise of helping the very people it will ultimately damage.

We respectfully compel the FCC to consider all actions available to remedy this issue, while taking additional consideration to other significant faults in the program including spectrum access. Our tribe would rather see a reasonable delay in the program, than one executed unsuccessfully in haste.

Sincerely,



Rhonda Lozon
Grants Compliance Administrator
Coeur d'Alene Tribe of Indians